

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 90-04-014	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/016236	International filing date (<i>day/month/year</i>) 01.11.2004	Priority date (<i>day/month/year</i>) 11.11.2003
International Patent Classification (IPC) or national classification and IPC G10K11/16, B60R13/02, B29C45/14		
Applicant KOMATSU LTD.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.																								
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.																								
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).																								
4. This report contains indications relating to the following items: <table border="0"><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

- ☒ the international application in the language in which it was filed
- ☐ the translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rule 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>6-7, 9-10</u>	YES
		Claims <u>1-5, 8</u>	NO
	Inventive step (IS)	Claims _____	YES
		Claims <u>1-10</u>	NO
	Industrial applicability (IA)	Claims <u>1-10</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
	<p>Document 1: JP 2001-260146 A (Tokai Kasei Kogyo Kabushiki Kaisha; Tokai Rubber Industries, Ltd.), 25 September 2001, paragraphs [0016] and [0027] to [0033]</p> <p>Document 2: JP 2001-260765 A (Tokai Kasei Kogyo Kabushiki Kaisha; Tokai Rubber Industries, Ltd.), 26 September 2001, paragraphs [0029] to [0030]</p> <p>Document 3: JP 2003-48221 A (Toyota Motor Corp.), 18 February 2003, paragraphs [0024] to [0031]</p> <p>Claims 1 to 5 and 8</p> <p>The inventions set forth in claims 1 to 5 and 8 are disclosed in document 1 (refer to paragraphs [0016] and [0027] to [0033]); therefore, the inventions in question lack novelty and do not involve an inventive step.</p> <p>Claims 6 to 7</p> <p>A comparison of the invention set forth in claims 6 to 7 and the invention disclosed in document 1 revealed that the inventions in question differ with regards to the feature wherein a surface covering material is installed on the opposite surface from the structural member in the invention set forth in claims 6 to 7;</p>		

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

otherwise, the invention set forth in claims 6 to 7 and the invention disclosed in document 1 are substantially the same.

However, document 3 discloses a configuration wherein a surface covering material is installed on the opposite surface from the structural member.

Such being the case, it would have been possible to invent the invention set forth in claims 6 to 7 by simply combining the invention disclosed in document 1 with the invention disclosed in document 3.

Claims 9 to 10

A comparison of the invention set forth in claims 9 to 10 and the invention disclosed in document 1 revealed that the inventions in question differ with regards to (1) the feature wherein holes that pass from the outside surface of the base member to the inside thereof are formed during the process for molding the structural member; and

(2) the feature wherein the surface covering material is attached to the injection molding die on the side facing the outside surface of the structural member in advance in the invention set forth in claims 9 to 10; otherwise, the invention set forth in claims 9 to 10 and the invention disclosed in document 1 are substantially the same.

However,

(1) document 2 discloses a configuration wherein holes that pass from the outside surface of the base member to the inside thereof are formed during the process for molding the structural member; and

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Box No. V**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

(2) document 3 discloses a configuration wherein the surface covering material is attached to the injection molding die on the side facing the outside surface of the structural member in advance.

Such being the case, it would have been possible to invent the invention set forth in claims 9 to 10 by simply combining the invention disclosed in document 1 with the inventions disclosed in documents 2 and 3.